

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

ROMAN SELEZNEV,

Defendant.

NO. CR11-0070RAJ

ORDER CONTINUING TRIAL DATE
AND SETTING CASE SCHEDULE

The Court, having reviewed the record and files in this case and after a consideration of all relevant information and the circumstances of this case, finds that the ends of justice will best be served by continuing the trial date to May 4, 2015, and orders the parties to comply with the complex case schedule set forth below. The ends of justice outweigh the best interests of the public and the defendant in having the matter brought to trial sooner.

The Court makes the following findings:

1. Defendant Roman Seleznev is charged in a Second Superseding Indictment with violations of federal criminal law, including wire fraud in violation of 18 U.S.C. § 1343; crimes in connection with computers in violation of 18 U.S.C. § 1030; access device fraud in violation of 18 U.S.C. § 1029; and aggravated identity theft in violation of 18 U.S.C. § 1028A. The charges in the Second Superseding Indictment involve

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UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 | allegations of a complex international computer fraud scheme, the object of which was to
2 | steal credit card numbers which would then be illegally resold over the internet and used
3 | to engage in fraudulent transactions. The Second Superseding Indictment alleges that
4 | defendant, using computer infrastructure located in numerous countries around the world,
5 | trafficked in millions of credit card numbers, thereby victimizing millions of banks,
6 | businesses and individuals, and generating millions of dollars in illicit profits for the
7 | defendant.

8 | 2. The defendant made his initial appearance in this district on August 8,
9 | 2014. On August 13, 2014, the government filed a Motion for Inquiry Regarding
10 | Potential Conflict of Interest related to defendant's legal representation by the law firm of
11 | Fox Rothschild. The Court held an initial hearing on that matter on September 3, 2014,
12 | at which time the Court requested additional information and continued the hearing to
13 | September 26, 2014. On September 26, 2014, the Court ruled on the government's
14 | motion and ordered Fox Rothschild to withdraw from its representation of Roman
15 | Seleznev. On October 14, 2014, attorney Steven Fogg and the firm of Corr Cronin
16 | appeared as substitute counsel for Roman Seleznev.

17 | 3. Because of the motion for inquiry and the subsequent substitution of
18 | counsel, the parties had not yet exchanged discovery as of October 17, 2014. The
19 | government began producing discovery the week of October 20, 2014, and expects to
20 | continue producing discovery including voluminous electronic evidence through
21 | approximately January 2015.

22 | 4. The government and defense counsel have indicated that the discovery in
23 | this case is voluminous and complex; involves the analysis of multiple complex computer
24 | systems; and involves investigations by the government in multiple jurisdictions.

25 | 5. Based on the foregoing, the Court finds that the ends of justice will best be
26 | served by a continuance of the trial date and outweigh the best interests of the public and
27 | the defendant in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

1 6. The Court further finds that the failure to grant such a continuance in this
2 case would likely result in a miscarriage of justice because the government and the
3 defendant would be denied the reasonable time necessary for effective preparation, taking
4 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv);

5 7. The Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the case is
6 so unusual and complex, due to the nature of the prosecution, the existence of novel
7 questions of fact or law, and the volume of discovery that it would be unreasonable to
8 expect adequate preparation for trial within the time limits established by 18 U.S.C. §
9 3161 et seq.; and

10 8. The Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv),
11 that the period of delay is reasonable.

12 Any and all period of delay resulting from this continuance, from the date of this
13 order, until the date of the rescheduled trial, shall be excludable time pursuant to Title 18,
14 United States Code, Section 3161(h)(7)(A), for purposes of computation of the time
15 limitations imposed by the Speedy Trial Act, Title 18, United States Code, Section 3161
16 through 3164.

17 It is therefore ORDERED that the parties' Stipulated Motion To Continue Trial
18 Date and Set Case Schedule (Dkt. #101) is GRANTED. The trial in this matter is hereby
19 continued from November 3, 2014 to May 4, 2015, at 9:00 a.m., and that the parties shall
20 observe the following case schedule:

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Event	Date
Government to provide discovery under Fed. R. Crim. P. 16(a)(1)(A) – (F) and Local CrR 16(a)(1), with continuing obligation as set forth in Rule 16(c)	Effective date of this order
Status Conference	December 19, 2014 at 9:00 a.m.
Deadline to file Pretrial Motions I (Dismissal, Discovery/Brady, Bill of Particulars and the like) Responses due January 19, 2015; Reply briefs due January 26, 2015; Noting Date: January 30, 2015	January 5, 2015
Defendant to provide discovery under Rule 16(b)(1)(A)-(B), and Local CrR 16(a)(2), with continuing obligation as set forth in Rule 16(c); Defendant to provide notice of alibi defense under Fed. R. Crim. P. 12.1 and/or mental health defense under Fed. R. Crim. P. 12.2	January 12, 2015
Status Conference/Motions Hearing I	February 6, 2015 at 9:00 a.m.
Pretrial Motions II (Arising after review of discovery and substantial investigation; Suppression; Severance; Venue) Responses due March 9, 2015; Reply briefs due March 16, 2015; Noting Date: March 20, 2015	February 23, 2015
Parties to exchange expert discovery under Rules 16(a)(1)(G) and 16(b)(1)(C)	March 20, 2015
Status Conference/Motions Hearing II	March 27, 2015 at 9:00 a.m.
Government's identification of all 404(b) evidence	March 30, 2015
Parties to file motions in limine and motions re: 404(b) and inextricably intertwined evidence Responses due April 13, 2015; Reply briefs due April 17, 2015; Noting Date: April 17, 2015	April 6, 2015
Government to produce all summary exhibits and underlying data under Fed. R. Evid. 1006; Government to provide rebuttal expert disclosures	April 20, 2015

Event	Date
Defendants to produce all summary exhibits and underlying data under Fed. R. Evid. 1006; Defense to provide rebuttal expert witness disclosures	April 20, 2015
Government's witness list and exhibit list related to its case-in-chief; Government to produce Jencks Act, Rule 26.2 and <i>Giglio</i> impeachment materials, including information relating to known non-testifying declarants under Fed.R.Evid. 806 (if any)	April 27, 2015
Trial Briefs, Proposed Jury Instructions, Voir Dire and Verdict Forms	April 27, 2015
Pretrial Conference; Hearing on motions <i>in limine</i> (if necessary)	April 27, 2015 at 9:00 a.m.
Trial	May 4, 2015 at 9:00 a.m.

DATED this 3rd day of November, 2014.



The Honorable Richard A. Jones
United States District Judge

Presented by:

/s/Norman M. Barbosa
NORMAN M. BARBOSA
Assistant United States Attorney

/s/Seth Wilkinson
SETH WILKINSON
Assistant United States Attorney

Per e-mail authorization
/s/ Steven Fogg
STEVEN FOGG
Attorney for Defendant Roman Seleznev

Per e-mail authorization
/s/ Anthony Todaro
ANTHONY TODARO
Attorney for Defendant Roman Seleznev

Per e-mail authorization
/s/ Anna Goykhman
ANNA GOYKHMAN
Attorney for Defendant Roman Seleznev